

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RAYMOND NICHOLS,

Plaintiff,

v.

CITY OF SALEM; ART ARTUNYAN,

Defendants.

6:13-cv-01910-TC

FINDINGS AND
RECOMMENDATION

COFFIN, Magistrate Judge:

On July 30, 2014, plaintiff's counsel filed a motion to withdraw as counsel for plaintiff. (ECF No. 10). Plaintiff's counsel indicated that, "[p]laintiff is housing unstable with no contact information of any kind and has lost touch with counsel." The following day, the court granted the motion to withdraw and ordered that plaintiff provide a current mailing address to the court within sixty (60) days. (ECF No. 11). The court further ordered plaintiff's counsel to send a copy of the order to plaintiff's last known place of contact and to file a certificate of service with the court. Later that same day, plaintiff's counsel filed a certificate of service indicating that he has recently wrote to plaintiff at the last known address and that the document was returned by the US Postal Service, designating that plaintiff was no longer at that address.

To date, plaintiff has failed to keep the court informed of his current address. A party not represented by counsel has a "continuing responsibility to notify the Clerk's Office whenever his or her mailing address . . . changes. Local Rule 83-10. When mail from the court to a party cannot be delivered due to the lack of a current address and the failure continues for sixty (60) days, the court may dismiss the action. Local Rule 83-12. As of October 21, 2014, plaintiff's failure to notify the court of his current address has continued for eighty-two (82) days.

Accordingly, this action should be dismissed for failure to follow a court order, failure to observe the Local Rules of Civil Procedure and failure to prosecute.

The above Findings and Recommendation will be referred to a United States District Judge for review. Objections, if any, are due no later than fourteen days after the date this order is filed. The parties are advised that the failure to file objections within the specified time may waive the right to appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). If no objections are filed, review of the Findings and Recommendation will go under advisement on that date. If objections are filed, any party may file a response within fourteen days after the date the objections are filed. Review of the Findings and Recommendation will go under advisement when the response is due or filed, whichever date is earlier.

Dated this 21 day of October 2014.



THOMAS M. COFFIN
United States Magistrate Judge